

# Use of Epinephrine Auto-Injectors by Pupils and Campers with Severe Allergies

This Act permits students and campers with severe, potentially life-threatening allergies or asthma to possess and self-administer auto-injections of epinephrine.

Submitted as:

New Hampshire

House Bill 92

Status: Enacted into law as Chapter 50 in 2003.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act may be cited as “An Act Relative to the Use of  
2 Epinephrine Auto-Injectors by Pupils and Campers with Severe Allergies.”

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4           Section 2. [*Possession and Use of Epinephrine Auto-Injectors by Pupils Permitted.*] A  
5 pupil with severe, potentially life-threatening allergies may possess and self-administer an  
6 epinephrine auto-injector if the following conditions are satisfied:

7           I. The pupil has the written approval of the pupil’s physician and, if the pupil is a minor,  
8 the written approval of the parent or guardian. The school shall obtain the following information  
9 from the pupil’s physician:

10           (a) The pupil’s name.

11           (b) The name and signature of the licensed prescriber and business and  
12 emergency numbers.

13           (c) The name, route, and dosage of medication.

14           (d) The frequency and time of medication administration or assistance.

15           (e) The date of the order.

16           (f) A diagnosis and any other medical conditions requiring medications, if not a  
17 violation of confidentiality or if not contrary to the request of the parent or guardian to keep  
18 confidential.

19           (g) Specific recommendations for administration.

20           (h) Any special side effects, contraindications, and adverse reactions to be  
21 observed.

22           (i) The name of each required medication.

23           (j) Any severe adverse reactions that may occur to another pupil, for whom the  
24 epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

25           II. The school principal or, if a school nurse is assigned to the pupil’s school building,  
26 the school nurse shall receive copies of the written approvals required by paragraph I.

27           III. The pupil’s parent or guardian shall submit written verification from the physician  
28 confirming that the pupil has the knowledge and skills to safely possess and use an epinephrine  
29 auto-injector in a school setting.

30           IV. If the conditions provided in this section are satisfied, the pupil may possess and use  
31 the epinephrine auto-injector at school or at any school-sponsored activity, event, or program.

32           V. In this section, “physician” includes any physician or health practitioner with the  
33 authority to write prescriptions.

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Section 3. [*Using an Epinephrine Auto-Injector in School.*] Immediately after using the epinephrine auto-injector during the school day, the pupil shall report to the nurse’s office or principal’s office to enable the nurse or another school employee to provide appropriate follow-up care.

Section 4. [*Availability of Epinephrine Auto-Injector in School.*] The school nurse or, if a school nurse is not assigned to the school building, the school principal shall maintain for a pupil’s use at least one epinephrine auto-injector, provided by the pupil, in the nurse’s office or in a similarly accessible location.

Section 5. [*Immunity for School Districts and School Employees Concerning Epinephrine Auto-Injectors.*] No school district, member of a school board, or school district employee shall be liable in a suit for damages as a result of any act or omission related to a pupil’s use of an epinephrine auto-injector if the provisions of section 2 of this Act have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a pupil.

Section 6. [*Possession and Use of Epinephrine Auto-Injectors at Recreation Camps.*] A recreation camp shall permit a child with severe, potentially life-threatening allergies to possess and use an epinephrine auto-injector, if the following conditions are satisfied:

I. The child has the written approval of the child’s physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child’s physician:

- (a) The child’s name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) Any severe adverse reactions that may occur to another child, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child’s parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an epinephrine auto-injector in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

V. In this section, “physician” means any physician or health practitioner with the authority to write prescriptions.

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Section 7. [*Use of Epinephrine Auto-Injector in Recreation Camps.*] Immediately after using the epinephrine auto-injector, the child shall report such use to the nurse or another camp employee to enable the nurse or camp employee to provide appropriate follow-up care.

Section 8. [*Availability of Epinephrine Auto-Injector in Recreation Camps.*] The recreational camp nurse or, if a nurse is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child with severe allergies at least one epinephrine auto-injector, provided by the child, in the nurse's office or in a similarly accessible location.

Section 9. [*Immunity for Recreation Camps and Camp Employees Concerning Use of Epinephrine Auto-Injectors.*] No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if the provisions of section 6 of this Act have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a child.

Section 10. [*Severability.*] [Insert severability clause.]

Section 11. [*Repealer.*] [Insert repealer clause.]

Section 12. [*Effective Date.*] [Insert effective date.]